

REMARKS**Claim Rejection****35 USC § 103**

All of the claims were rejected as being unpatentable over Budnovitch (US 6292110) in view of Nantz US 5973412). In the Office Action, the Examiner states that Budnovitch "discloses an improved GPS device ..." and "a second trigger that transmits the location to a recipient at a distant [location]".

Budnovitch discloses nothing of the sort. The claim is directed to a key fob, not an entire system, and the claims require that (1) the key fob includes a GPS and (2) the key fob transmits the location (of the key fob) to a recipient at a distant location. In Budnovitch, the GPS is NOT on the key fob, but in the car. In addition, the key fob is NOT used to transmit the location of the key fob to a recipient at a distant location. Instead Budnovitch uses a control subsystem at the parking lot to transmit the location to a recipient at a distant location. Moreover, the location transmitted is not that of the key fob, but the location of the car. In short, Budnovitch contemplates entirely different systems and methods from that claimed, ones that would only work in specially equipped car garages and other facilities. The claimed subject matter, in contrast, would work virtually anywhere.

Now, it should be abundantly clear that the claimed GPS device is a key fob, as opposed to a cell phone, PDA, or fixed position system such as that contemplated by Budnovitch. But in the interest of pushing this matter forward as fast as possible to issuance, the applicant herein amends claim 1 to include the limitation that the GPS device includes "an apparatus for unlocking a door on a nearby motor vehicle." With that clarification in mind it should be readily apparent that Budnovitch has little or no relevance to patentability.

The citation of Nantz et al. adds nothing whatever to the discussion. First of all, the Office failed to cite any teaching, suggestion or motivation in the prior art for combining the specified elements of Budnovitch and Nantz. Without such a citation the Office has failed to set forth a prima facie case of obviousness, and the rejection must therefore be withdrawn. Second, even if the improper combination were permitted, the claims would not fail for obviousness. Given the clarifications and arguments set forth above, it should be apparent that no combination

of elements of Budnovitch and Nantz would direct one of ordinary skill in the art to make and use the claimed invention.

Rejection of claims 27 – 32 are moot. All of those claims are allowable as being dependent upon allowable claim 26,

In view of the foregoing, it is respectfully submitted that all of the pending claims of the subject patent application are in a condition for immediate allowance. Reconsideration and an early allowance are therefore respectfully requested.

Respectfully submitted,
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